

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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FELIX CANO, NOE RAMIREZ VASQUEZ,
and JORGE RAMIREZ, on behalf of themselves
and on behalf of all other similarly situated,

Plaintiffs,

– against –

FOUR M. FOOD CORP.,
HOMETOWN PROUD FOOD CORP.,
GAMBAR FOOD CORP.,
RICHARD LUKEMAN, an individual,
WILLIAM LUKEMAN, an individual,
GREGORY LUKEMAN, an individual,

Defendants.

ORDER
06-CV-0799 (JFB)(VVP)


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JOSEPH F. BIANCO, District Judge:

The parties have submitted to the Court for approval a confidential Settlement Agreement and Release, which has been executed by both sides, resolving the instant litigation. It is well settled that judicially supervised settlements are an exception to the rule that employees cannot waive claims under the Fair Labor Standards Act (“FLSA”), 29 U.S.C. § 201, *et seq.*, for unpaid wages and overtime. *See, e.g., Sampaio v. Boulder Rock Creek Developers, Inc.*, No. CV-07-153 (ETB), 2007 WL 5209390, at *1 (E.D.N.Y. Sept. 6, 2007) (collecting cases).

Having carefully reviewed the Settlement Agreement and Release, which details the settlement reached by the parties (including the breakdown of the amounts reached for each plaintiff in terms of wages owed and liquidated damages), the Court finds that the Settlement Agreement and Waiver is fair and reasonable under all of the circumstances and, thus, is judicially approved. A copy of the Settlement Agreement and Waiver will be filed under seal and the Court will "SO ORDER" the executed Stipulation of Dismissal with Prejudice that is attached as Exhibit B to the Agreement.

SO ORDERED.

 JOSEPH F. BIANCO
UNITED STATES DISTRICT JUDGE

Dated: September 10, 2009
Central Islip, NY